

**IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH  
AT KOLKATA**

**I.A. No. \_\_\_\_\_ OF 2024**

**IN**

**ORIGINAL APPLICATION NO. 117 OF 2024**

**IN THE MATTER OF:**

M/S Sai Fertilizers Pvt Ltd

... Applicant

Vs.

Central Pollution Control Board & Ors.

... Respondents

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Through



Sarad Kumar Sunny, Rohan Dua and Keshav Mann,  
Advocates for Respondent No. 5  
S-266, Greater Kailash -1,  
New Delhi – 110048,  
Mobile No: - 9958178853  
E-Mail ID- saradksunny@gmail.com

Place: New Delhi  
Date: 03.07.2024.

IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH

AT KOLKATA

I.A. No. \_\_\_\_\_ OF 2024

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ORIGINAL APPLICATION NO. 117 OF 2024

**IN THE MATTER OF:**

M/S Sai Fertilizers Pvt Ltd

... Applicant

Vs.

Central Pollution Control Board & Ors

... Respondents

**APPLICATION UNDER RULE 16(6) OF NGT(PRACTICE AND  
PROCEDURE) RULES, 2011 FOR CONDONATION OF DELAY IN  
FILING COUNTER AFFIDAVIT ON BEHALF OF RESPONENT  
NO. 5**

**MOST RESPECTFULLY SHEWETH**

1. That the present application is being filed on behalf of Respondent No. 5 – Fertilizer Association of India seeking condonation of delay in filing the Counter Affidavit.

2. That this Hon'ble Tribunal vide its order dated 31.05.2024 granted Respondent No. 5 four (4) weeks' time to file Counter Affidavit in response to the Applicant i.e. M/s Sai Fertilizers Ltd's present application (i.e. O.A. No. 117 of 2024). However, Respondent No. 5 could not file the Counter Affidavit to the present application in that time. Copy of order dated 31.05.2024 is annexed hereto as **Annexure -1**.

3. That the Counter Affidavit on behalf of Respondent No. 5 is being filed on 03.07.2024, after a delay of about seven (7) days. Hence, Respondent No. 5 has filed the present application.

4. That the delay in filing the Counter Affidavit to the said application (i.e. OA No. 117 of 2024) is inadvertent and unintentional and has occasioned due to the reason that in the month of June, 2024 the Counsel for Respondent No. 5 was not in town due to personal reasons.

5. That the delay in filing Respondent No.5's Counter Affidavit to the present Application is minor and is neither intentional nor deliberate and the present application on behalf of Respondent No. 5 has been moved bonafidely and in the interests of justice.

6. That no harm or prejudice would be caused to the Applicant if the present application is allowed.

### **PRAYERS**

In view of the aforesaid, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to: -

A. Pass an order allowing the present application and condone the delay of seven (7) number of days in filing Counter Affidavit to O.A. No. 117 of 2024 on behalf of Respondent No. 5;

B. Pass any other or further order(s) as this Hon'ble Tribunal deems fit and just in the facts and circumstances of the present case.



Respondent No. 5  
Fertilizer Association of India  
(Through its Secretary)

Through

A handwritten signature in blue ink, appearing to read "Sarad Kumar Sunny, Rohan Dua and Keshav Mann".

Sarad Kumar Sunny, Rohan Dua and Keshav Mann,  
Advocates for Respondent No. 5  
S-266, Greater Kailash -1,  
New Delhi – 110048,  
Mobile No: - 9958178853  
E-Mail ID- saradksunny@gmail.com

Place: New Delhi  
Date: 03.07.2024.

**IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH  
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I.A. No. \_\_\_\_\_ OF 2024

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Vs.

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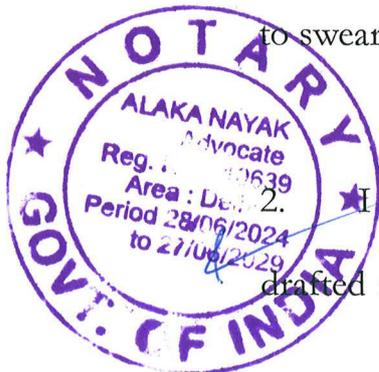
... Respondents

**AFFIDAVIT**

AFFIDAVIT OF MR. D. RAMAKRISHNAN, S/O SHRI LATE K.R. DORAISAMY, AGED ABOUT 67 YEARS, SECRETARY OF THE RESPONDENT NO. 5 HEREIN, HAVING OFFICE AT FAI HOUSE, 10 SHAHEED JIT SINGH MARG, NEW DELHI – 110067.

I, the above-named deponent, do hereby solemnly affirm and declare as under: -

- I am the Authorised Signatory of Respondent No. 5 and as such am well conversant with the facts and circumstances of the present case and competent to swear this affidavit.



I have read the contents of the accompanying application, which has been drafted by my counsel under my instructions and I state that the contents thereof

are true to my knowledge and are also based upon information/legal advice received by me and believed to be correct.

3. I adopt the contents of the accompanying application as part and parcel of the present affidavit and the same is not being reproduced herein for the sake of brevity.



VERIFICATION

03 JUL 2024

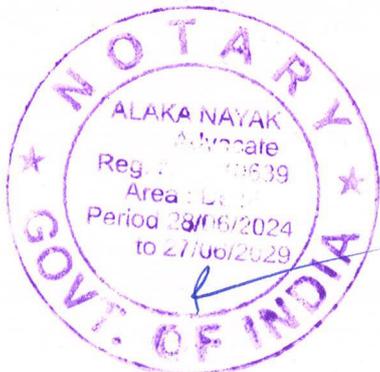
Verified at New Delhi on this the 03<sup>rd</sup> day-of July, 2024 that the contents of paragraphs 1 to 3 of my above affidavit are true to my knowledge and nothing material has been concealed therefrom.



*R. D. Verma*  
Identify the Deponent who has signed/put T. I. in my presence

03 JUL 2024

IDENTIFIED THAT THE DEPONENT  
Smt / Shri / M/s : *D. J. Sharma*  
No. *1234*  
I identified by Smt / Shri *Shri R. D. Verma*  
Has solemnly affirmed before me at  
Gaz. of *New Delhi* on *03/07/2024*  
That the contents of the affidavit which  
have been read & explained to  
him are true & correct to his knowledge



*R. D. Verma*

## ANNEXURE -1

Item No.01

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.117/2024/EZ

M/s Sai Fertilizers Pvt. Ltd.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 31.05.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sanjay Upadhyay, Sr. Advocate a/w  
Ms. Eisha Krishan, Advocate and  
Mr. Surya Gupta, Advocate (in Virtual Mode)

**ORDER**

1. Heard Mr. Sanjay Upadhyay, learned Senior Counsel assisted by Ms. Eisha Krishan and Mr. Surya Gupta, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. The present Original Application has been filed by the Applicant for the expeditious finalization of Standard Operation Procedure (SOP) with respect to utilization of Spent Acid generated from the manufacture of Linear Alkyl Benzene Sulphonic Acid (in short LABSA) for manufacturing of Single Super Phosphate.
3. The Applicant has also sought direction to the Respondent No.1, Central Pollution Control Board to allow the utilization of Spent Sulphuric Acid generated from LABSA for the manufacturing of Single Super Phosphate (SSP), as per the draft SOP till the final SOP is brought into implementation. In absence of clear direction from CPCB, the Applicant is incurring huge financial loss.

4. According to the Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products, 2019, Spent Acid generated from LABSA manufacturing is categorized as 'hazardous waste' and thus the manufacture, storage, utilization and disposal etc. have environmental implications.
5. We are of the opinion that the matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Dipanjan Ghosh, learned Counsel who is present (in Virtual Mode) accepts notice on behalf of the Respondent No.1, Central Pollution Control Board. Learned Counsel is directed to file the progress as well as the timeline for finalization and implementation of SOP.
8. Ms. Rashmi Singhee, learned Counsel who is present (in Virtual Mode) accepts notice on behalf of the Respondent No. 2, Ministry of Environment, Forests and Climate Change (MoEF&CC).
9. Mr. Ashok Prasad, learned Counsel who is present (in Virtual Mode) accepts notice on behalf of the Respondent No.3, Department of Fertilizers, Ministry of Chemicals and Fertilizers.
10. Mr. Ayush Kumar Dadhich, learned Counsel who is present in court, accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
11. Issue notice to Respondent No.5, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.

13. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon all the Respondents and file affidavit of service.

**List it on 16.07.2024.**

.....  
**Sheo Kumar Singh, JM**

.....  
**Dr. Arun Kumar Verma, EM**

May 31, 2024,  
Original Application No.117/2024/EZ  
SKB

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**Service of Counter Affidavit on behalf of Respondent No.5 (Fertilizer Association of India) in OA 117 of 2024 (NGT -Kolkata Bench)**

1 message

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**Rohan Dua** <rohandua18@gmail.com>

Wed, Jul 3, 2024 at 5:07 PM

To: gitanjali@eldfindia.com

Cc: Sarad Sunny &lt;saradksunny@gmail.com&gt;

Dear Ma'am,

I represent Respondent No.5 i.e. Fertilizer Association of India in the captioned application pending before Hon'ble NGT, Kolkata Bench.

In this regard, please find attached herewith Respondent No.5's Counter Affidavit to the captioned application alongwith an application for condonation of delay under Rule 16(6) of NGT (Practice and Procedure) Rules, 2016.

Regards,

Rohan Dua

Advocate

266 (Ground Floor),

S-Block, Greater Kailash 1,

New Delhi - 110048.

Mobile Number - +91 9650805135

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**2 attachments****Condonation of Delay Application NGT.pdf**

1326K

**Counter Affidavit-Sai Fertilizers.pdf**

18717K